



UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF IOWA  
425 SECOND STREET S.E.  
P.O. BOX 74890  
CEDAR RAPIDS, IOWA 52407  
[www.ianb.uscourts.gov](http://www.ianb.uscourts.gov)

SEAN F. MCAVOY  
CLERK OF COURT

(319) 286-2200  
FAX (319) 286-2280

JEAN HEKEL  
CHIEF DEPUTY CLERK

October 25, 2004

A letter to the Bankruptcy Community:

Re: **CORRECTION** - Proposed Orders Accompanying Motions to Avoid Liens

On September 28, 2004, I circulated a letter to the bankruptcy community announcing a new procedure for submitting proposed Orders and Judgments on Motions to Avoid Liens involving real property. Although intended to streamline the existing process, this new procedure has, in fact, had the opposite affect. The resulting confusion and misinterpretation has increased processing times for both the bankruptcy bar and the Clerk's office. Therefore, in an effort to remain responsive to the needs of the attorneys who practice before this Court, I am announcing a retraction of the new procedure.

Effective immediately, the movant's attorney shall submit a proposed order granting the motion to avoid lien in accordance with Local Rule 4003-2(1)(c) Lien Avoidance. Therefore, if no creditor has filed timely objection, movant's attorney shall submit a **proposed order** granting the motion to avoid lien. This proposed order must describe the property which is the subject of the order and **if the property is real property, the proposed order must contain its legal description.**

Once the Order has been signed and entered, the Clerk's Office shall prepare and enter a separate judgment referencing the legal description of the real property as provided. There will, once again, be two separate docket entries for these actions. I apologize for any confusion that may have stemmed from the September 28<sup>th</sup> letter and I thank you for your attention in this matter. Please feel free to call me if you have any questions pertaining to this procedure change.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean F. McAvoy", with a stylized flourish at the end.

Sean F. McAvoy  
Clerk of Court